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21 UNITED STATES DISTRICT COURT

22 DISTRICT OF NEVADA

23 VERONICA HOWARD, }
24 Plaintiff, } Case No.: 2:21-cv-00199-JCM-BNW
25 vs. }
26 CITY OF NORTH LAS VEGAS, }
27 a municipal corporation; RYANN JUDEN; }
28 SEAN HOEFFGEN; CINDY MARSHALL; }
and ERIN TELLEZ, }
Defendants. }

STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(Second Request)

21 Plaintiff VERONICA HOWARD and Defendants CITY OF NORTH LAS VEGAS, a
22 municipal corporation, RYANN JUDEN, SEAN HOEFFGEN, CINDY MARSHALL, and ERIN
23 TELLEZ, (collectively, "Defendants"), by and through their respective counsel of record,
24 STIPULATE AND AGREE that the current discovery cutoff date of **January 3, 2022**, be continued
25 for an additional period of ninety (90) days up to and including **April 4, 2022**. This is the second
26 extension to the discovery period that has been requested in this matter. The original discovery cut-
27 off, as set forth in the Stipulated Discovery Plan and Scheduling Order, ECF No. 23, as approved
28 by the Court on April 15, 2021, set a discovery cut-off of November 3, 2021.

1 **1. DISCOVERY COMPLETED TO DATE:**

2 1. Defendants made and served their initial disclosures required under Fed. R. Civ. P.
3 26(a)(1)(A), on April 28, 2021. These initial disclosures have been supplemented as follows:

4 a. “Defendants City of North Las Vegas, Ryann Juden, Sean Hoeffgen, Cindy
5 Marshall and Erin Tellez’ First Supplemental Disclosures of Witnesses and Documents Pursuant to
6 Rule 26(a)(1)” was served on September 28, 2021;

7 b. “Defendants City of North Las Vegas, Ryann Juden, Sean Hoeffgen, Cindy
8 Marshall and Erin Tellez’ Second Supplemental Disclosures of Witnesses and Documents Pursuant
9 to Rule 26(a)(1),” and “Defendants’ Privilege Log to Second Supplemental Disclosures of Witnesses
10 and Documents Pursuant to Rule 26(a)(1),” were served on October 7, 2021;

11 c. “Defendants City of North Las Vegas, Ryann Juden, Sean Hoeffgen, Cindy
12 Marshall and Erin Tellez’ Third Supplemental Disclosures of Witnesses and Documents Pursuant
13 to Rule 26(a)(1),” and “Defendants’ Privilege Log to Third Supplemental Disclosures of Witnesses
14 and Documents Pursuant to Rule 26(a)(1),” were served on November 3, 2021;

15 d. “Defendants City of North Las Vegas, Ryann Juden, Sean Hoeffgen, Cindy
16 Marshall and Erin Tellez’ Fourth Supplemental Disclosures of Witnesses and Documents Pursuant
17 to Rule 26(a)(1),” and “Defendants’ Privilege Log to Fourth Supplemental Disclosures of Witnesses
18 and Documents Pursuant to Rule 26(a)(1),” were served on November 29, 2021; and

19 e. “Defendants City of North Las Vegas, Ryann Juden, Sean Hoeffgen, Cindy
20 Marshall and Erin Tellez’ Fifth Supplemental Disclosures of Witnesses and Documents Pursuant
21 to Rule 26(a)(1),” and “Defendants’ Privilege Log to Fifth Supplemental Disclosures of Witnesses
22 and Documents Pursuant to Rule 26(a)(1),” were served on December 6, 2021.

23 2. Plaintiff made and served her initial disclosures required under Fed. R. Civ. P.
24 26(a)(1)(A), on May 12, 2021. These initial disclosures have been supplemented as follows:

25 a. Plaintiff made and served her “First Supplement to Plaintiff’s Initial
26 Disclosures” on August 27, 2021; and

27 b. Plaintiff made and served her “Second Supplement to Plaintiff’s Initial
28 Disclosures” on October 2, 2021.

1 3. Defendant City of North Las Vegas served on Plaintiff “Defendant City of North Las
 2 Vegas’ First Set of Interrogatories to Plaintiff” on July 8, 2021. Plaintiff served her “Objections and
 3 Responses to Defendant City of North Las Vegas’ First Set of Interrogatories to Plaintiff” on August
 4 27, 2021.

5 4. Defendant City of North Las Vegas served on Plaintiff “Defendant City of North Las
 6 Vegas’ First Set of Requests for Production of Documents to Plaintiff” also on July 8, 2021.
 7 Plaintiff responded as follows:

8 a. Plaintiff served her “Objections and Responses to Defendant City of North
 9 Las Vegas’ First Set of Requests for Production of Documents to Plaintiff” on August 27, 2021.

10 b. Plaintiff served her “First Supplement to Objections and Responses to
 11 Defendant City of North Las Vegas’ First Set of Requests for Production of Documents to Plaintiff”
 12 on October 2, 2021.

13 5. Plaintiff served on Defendants “Plaintiff’s First Set of Requests for Production of
 14 Documents” on August 20, 2021. Defendants responded as follows:

15 a. Defendants made and served “Defendants City of North Las Vegas, Ryann
 16 Juden, Sean Hoeffgen, Cindy Marshall and Erin Tellez’ Responses to Plaintiff’s First Set of
 17 Requests for Production of Documents” on October 7, 2021;

18 b. Defendants made and served “Defendants City of North Las Vegas, Ryann
 19 Juden, Sean Hoeffgen, Cindy Marshall and Erin Tellez’ First Supplement to Responses to Plaintiff’s
 20 First Set of Requests for Production of Documents” on November 3, 2021; and

21 c. Defendants made and served “Defendants City of North Las Vegas, Ryann
 22 Juden, Sean Hoeffgen, Cindy Marshall and Erin Tellez’ Second Supplement to Responses to
 23 Plaintiff’s First Set of Requests for Production of Documents” on November 29, 2021.

24 6. Plaintiff served “Plaintiff’s Second Set of Requests for Production of Documents”
 25 on October 2, 2021. Defendants made and served “Defendants’ Responses to Plaintiff’s Second Set
 26 of Requests for Production of Documents” on December 6, 2021.

27 **2. DISCOVERY YET TO BE COMPLETED:**

28 Plaintiff also intends to take the depositions of the named individual defendants: Ryann

1 Juden, Sean Hoeffgen, Cindy Marshall, Erin Tellez, and Gregory Allan. By agreement of the parties
 2 to resolve a potential discovery dispute, Plaintiff first will depose Cindy Marshall, Erin Tellez, and
 3 Gregory Allan, then meet and confer with counsel for Defendants to discuss whether Plaintiff intends
 4 to take the depositions of the remaining two defendants, Ryann Juden and Sean Hoeffgen, which
 5 Defendants contend are protected by the Apex-deposition doctrine. Plaintiff also may elect to take
 6 additional deposition based on deposition transcripts and the responses to written discovery that she
 7 receives.

8 Defendants intend to take the deposition of Plaintiff Veronica Howard and may schedule
 9 other depositions following a review of deposition transcripts and Plaintiff's responses to its
 10 discovery requests.

11 **3. REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

12 Plaintiff has been waiting to receive the responses to her written discovery requests prior to
 13 scheduling depositions in this matter of individual within her chain of command. The time necessary
 14 for Defendants to respond has been affected, first, by the very large volume of documentation that
 15 must be reviewed prior to production and, second, because lead counsel for Defendants has been
 16 receiving treatment for a health-related issue that has necessitated time away from her office for
 17 certain, specific intervals of time during the past few months.

18 Also, on March 8, 2021, Defendants filed and served "Defendants City of North Las Vegas,
 19 Ryann Juden, Sean Hoeffgen, Cindy Marshall and Erin Tellez' Motion to Dismiss Plaintiff's
 20 Complaint," ECF No. 14. The motion has been fully briefed and is pending before this Court. If this
 21 motion is granted in whole or in part, it could significantly affect the scope of this litigation, both
 22 in terms of parties and in claims. Because Defendants elected to file a dispositive motion in response
 23 to the Plaintiff's Complaint, ECF No. 1-1, pp. 9-34, none of the defendants have filed an answer to
 24 the complaint and, therefore, affirmative defenses have not been pled. While the parties intend to
 25 complete as much written discovery as best can be done without regard to the resolution of the
 26 dispositive motion, some written discovery and the slate of depositions would be dependent on the
 27 case that survives the pending dispositive motion.

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4. REVISED DISCOVERY PLAN:

1. Discovery Cut-Off Date: **April 4, 2022.**

2. Dispositive Motions: The date for filing dispositive motions shall be not later than **May 4, 2022**, 30 days after the discovery cut-off date. In the event that the discovery period is extended from the discovery cut-off date set forth in this Stipulation and Order to Extend Discovery (First Request), the date for filing dispositive motions shall be extended for the same duration, to be not later than 30 days from the subsequent discovery cut-off date.

3. Pretrial Order: The date for filing the joint pretrial order shall be not later than **June 3, 2022**, 30 days after the date set for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court.

4. Additional Extensions of the Discovery Period: The last day for the parties to file their Motion and/or Stipulation to Extend Discovery shall be **April 14, 2022**, twenty (21) days prior to the revised discovery cut-off.

5. Any discovery deadline not extended in accordance with the Revised Discovery Plan set forth above shall remain controlled by the Stipulated Discovery Plan and Scheduling Order, ECF No. 23, as approved by the Court on April 15, 2021.

No trial date has yet been ordered.

DATED: 7 December 2021.

LAW OFFICES OF ROBERT P. SPRETNAK

By: /s/ Robert P. Spretnak
Robert P. Spretnak, Esq.

Attorney for Plaintiff

8275 S. Eastern Avenue, Suite 200
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DATED: 7 December 2021.

NORTH LAS VEGAS CITY ATTORNEY

By: /s/ Marisa Rodriguez
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Attorneys for Defendants

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Order

IT IS SO ORDERED

DATED: 4:35 pm, December 08, 2021

Brenda Weksler
BRENDA WEKSLER